



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3644 FAX (603) 271-2181



January 9, 2003

Michael K Butler
EXXONMOBIL FUELS MARKETING
3225 Gallows Rd
Fairfax VA 22037

LETTER OF COMPLIANCE FOR
NCPR #02-001

RE: Concord, EXXONMOBIL FUELS MARKETING, EXISTING UNDERGROUND STORAGE TANK
FACILITY (UST 0-110327) (DES 199011024)


Dear Michael K Butler:

On October 23, 2002, the Department of Environmental Services ("DES") issued a Notice of Non-Compliance and Permit Revocation ("Notice"), to ExxonMobil Fuels Marketing notifying you that the above-referenced facility was not in compliance with New Hampshire Code of Administrative Rules Env-Wm 1401, Underground Storage Facilities. The Notice stated that failure to correct the deficiencies within 90 days from the date of the Notice would result in revocation of your Permit-to-Operate on January 22, 2003. In the interim, the DES has received your documentation verifying that the deficiencies detailed in the Notice have been corrected. **Therefore, DES issues this Letter of Compliance to ExxonMobil Fuels Marketing.**

The Notice also stated that the Oil Discharge & Disposal Cleanup Fund ("the Fund") was no longer available to you as a financial assurance mechanism and you were required to petition the Oil Fund Disbursement Board ("Board") for reinstatement to the Fund. Please note that the Board has interpreted its facility eligibility requirements as follows: **Since substantial compliance has previously been achieved at this facility, the cleanup costs associated with the initial occurrence are eligible for reimbursement. Also, since the deficiencies listed in the Notice have been resolved and your facility has been deemed in compliance with RSA 146-C and Env-Wm 1401, you may again use the Fund as your financial assurance mechanism for subsequent releases.** Accordingly, petitioning the Board for reinstatement to the Fund is not necessary. However, in the future if your permit is revoked because substantial compliance is not maintained, the Fund will not be available to you as a financial assurance mechanism for subsequent releases.

If there are any questions concerning the above, you may contact me, at the Waste Management Division at (603) 271-1165.

Sincerely,


Lynn A. Woodard, P.E., Supervisor
Oil Compliance and Initial Response Section

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Enclosure: Policy Statement on Substantial Compliance

cc: George Dana Bisbee, Acting Commissioner

Mark Harbaugh, DES Legal Unit

Fred McGarry, P.E., Chief Engineer, WMD

George Lombardo, P.E., WMD

Tom Beaulieu, WMD

Health Officer, Town of Concord